

UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA

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UNITED STATES OF AMERICA,  
RESPONDENT,

8-08-CR00263 JFB-FG3

Civil Case No:

Vs.

8 08cr263

ANTONIO RIGOBERTO FRAUSTO

MOTION FOR RECONSIDERATION  
OR IN THE ALTERNATIVE ISSUANCE  
OF CERTIFICATE OF APPEALABILITY

Petitioner, Antonio Frausto ("Frausto") pro se, requests the Court pursuant to for Reconsideration of his Motion under 28 U.S.C. §2253(c) to issue a Certificate of Appralability (COA) on the following issues raised in his motion under §2255 and denied by the Court on July 1, 2013, (1) Movant was convicted by jury trial on The United States Supreme Court has ruled in Alleyne v. United States, and this ruling relates to issues which may affect his claims (2) The Supreme Court has issues rulings in Peugh v. US, 133 S. Ct. 594 - Supreme Court 2012 , the outcome of which may have some bearing on his claims, (3) trial counsel was ineffective for failing to, (4) my appellate counsel was ineffective on direct appeal,. (Supporting facts and law in §2255 motion and Memorandum of Facts and Law).

Wherefore a Certificate of Appealability should issue because Frausto has shown the substantial denial of his constitutional rights and there are changes in controlling law which may serve to support his claims.

Respectfully Submitted,

1                   this     day of September, 2013

2                                   Antonio R FRAUSTO  
3                                   ANTONIO RIGBERTO FRAUSTO,

4                                   Movant, pro se  
5                                   Fed. Reg. No: 40720-051  
6                                   FCI Elkton  
7                                   Federal Correctional Institution  
8                                   P.O. Box 10  
9                                   Lisbon, Ohio